



# CITY OF MEMPHIS

## COUNCIL AGENDA

June 15, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (June 1, 2004)**

## CONSENT AGENDA

**GENERAL ORDINANCES - FIRST READING** (none)

**GENERAL ORDINANCES - SECOND READING** (none)

**ZONING ORDINANCES - FIRST READING** (none)

**ZONING ORDINANCES- SECOND READING**

1. **ORDINANCE** rezoning the southwest side of Mt. Moriah Road; +/-359 feet northwest of American Way Blvd., containing .92 acre(40,075 sq. ft.) in the Local Commercial (C-L) District, up for S E C O N D reading.

Peete

Ordinance No. 5064

Case No. Z 04-117

Applicant: Chuck Hutton Chevrolet Co.  
J. William Pierce, Jr., - Representative

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL of the Highway Commercial (C-H) District

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** rezoning the southeast corner of S. Germantown Road and E. Shelby Drive, containing 1.29 acres in the Agricultural (AG) District, up for S E C O N D reading.

Peete

Ordinance No. 5065

Case No. Z 04-118cc

Applicants: D H & S Properties  
Davis Eng. Co., Inc. – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** rezoning the west side of New Allen Road; +/-430 feet north of Ridgemont Road, containing 4.46 acres in the Local Commercial (C-L) and Flood Plain (FP) Districts, up for S E C O N D reading.

Peete

Ordinance No. 5066  
Case No. Z 04-119

Applicant: South Seas, Inc.  
Shelby County Housing, Maggie Conway – Representative

Request: Single Family Residential (R-S8) and Flood Plain (FP) Districts

LUCB and OPD recommendation: APPROVAL of the Single Family Residential (R-S8) and Flood Plain (FP) Districts

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** rezoning the south side of Macon Road; +/-1,047.82 feet east of Pisgah Road, containing 48.77 acres in the Agricultural (AG) District, up for S E C O N D reading.

Peete

Ordinance No. 5067  
Case No. Z 03-125cc

Applicant: Steve Anderson, Trustee  
Dickinson & Bennett, Inc. – Representative

Request: Single Family Residential (R-s10) and Planned Commercial (C-P) Districts

LUCB recommendation: APPROVAL of R-S10 & Approval with Conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on Second reading

5. **ORDINANCE** to re-adopt a joint ordinance to amend Section 29 “Signs” of the Memphis and Shelby County Zoning Ordinance Regulations. The re-adoption is recommended to incorporate amended language approved by the County Commission, up for S E C O N D reading.

Peete

Ordinance No. 5028AM  
Case No. ZTA 03-002cc

Applicant: Office of Planning and Development  
Mary L. Baker, Deputy Director – Representative

ACTION REQUESTED: Adopt the ordinance on Second reading

6. **ORDINANCE** to re-adopt a joint ordinance to amend the Neighborhood Commercial (C-N) District Regulations in the Zoning Ordinance. The re-adoption is recommended to incorporate amended language approved by the County Commission, up for S E C O N D reading.

Peete

Ordinance No. 5026AM  
Case No. ZTA 03-005cc

Applicant: Office of Planning and Development  
Mary L. Baker, Deputy Director – Representative

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

7. **RESOLUTION** approving final plat of COTTON PLANT GROVE SUBDIVISION, SECTION ‘A’.

Case No. S 00-025  
Contract No. CR-4875

Resolution approves final plat located on the west side of Cotton Plant Road, 151.8 feet south of Cotton Grove Court. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

8. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. SAC 03-617 – EDITH AVENUE AND SAXON AVENUE

Edith Avenue – located 9.99 feet lying west of Wilson Street and Saxon Avenue-located 86.58 feet lying west of Wilson Street, containing 315.9 square feet-Edith Avenue and 3,370 .6 square feet -Saxon Street in the Light Industrial (I-L) District

Applicant: James J. Madison, III  
Kimley-Horn & Associates, Inc. – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SAC 03-618 - WALKER AVENUE (PARTIAL) & WILSON STREET

Walker Avenue – located 109 feet west of Wilson Street and Wilson Street – located between Walker Avenue and McLemore Avenue, containing 4,747.1 square feet – Walker Avenue and 44,324.1 square feet – Wilson Street in the Light Industrial (I-L) District

Applicant: James J. Maidson, III  
Kimley-Horn & Associates, Inc. – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: July 6, 2004**

**GENERAL ITEMS**

9. RESOLUTION approving temporary structures on the streets on July 3, 2004, from 6:00 p.m. until 7:30 p.m. for The Racquet Club of Memphis 5K Run.

Jones

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving temporary structures on the streets on Sunday, July 4, 2004, from 7:30 a.m. until 12:00 a.m., for the Fourth of July Red, White and Blues Celebration, for the Beale Street Merchant Association.

Jones

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving temporary structures on the streets on July 5, 2004 from 5:00 a.m. until 12:00 a.m., for the Sun Studio 50<sup>th</sup> Anniversary of Rock N’ Roll Reunion for Sun Studio Entertainment, Inc.

Jones

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION thanking Harlan Mathews for his service to the City of Memphis and congratulating him on his retirement.

Marshall

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION declaring June 21 - 25, 2004 as “National Baptist Convention Week.”

Sammons

ACTION REQUESTED: Adopt the resolution



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

26.  
Marshall

#### APPOINTMENTS

#### Memphis City Beautiful Commission

##### Appointments

Jake Allen  
Wade Chillis  
Dr. Annie Farrell Davis  
Shirley Holliday  
Barbara E. Jones  
Cynthia Magallon  
Sharon Mahaffey  
Reginald Milton

##### Reappointments

Greg Campbell  
Delores Evans  
Mary GeGinnis  
Jeffrey Higgs

#### Memphis & Shelby County Air Pollution Board

##### Appointment

David M. Mirvis, M.D.

#### Memphis & Shelby County Depot Redevelopment Corporation

##### Reappointment

Mr. Jesse Turner Jr.

27.  
Peete

RESOLUTION honoring Willie Mitchell.

ACTION REQUESTED: Adopt the resolution

### GENERAL ORDINANCES - THIRD AND FINAL READING (none)

### EXECUTIVE DIVISION (none)

**FINANCE & ADMINISTRATION**

28. RESOLUTION approving flat taxicab rates, from June 21 – June 25, 2004, to Conference participants displaying their badges, for the National Baptist Convention.  
Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES**

29. RESOLUTION accepting grant funds from the State of Tennessee in the amount of \$552,900.00 for the Fire Services’ In-Service Training Program. Resolution also amends the Fiscal Year 2004 Operating Budget and appropriates funds.  
Jones

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (none)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

30. RESOLUTION approving the waiver of restrictive covenants applicable to the Beale Street Urban Renewal Area, Tennessee A-11-1. Resolution is for the benefit of Hunt Phelan, LLC for the property formally known as the Hunt-Phelan home.(Held from 6/1)  
Ford

The Director recommends approval of the resolution

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (none)

**LAW DIVISION**

31. RESOLUTION approving payment of Death Benefits.  
Marshall

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PARK SERVICES**

32. RESOLUTION including Trigg West Park, CIP Project #PK229 as part of the Fiscal Year 2004 Capital Improvement Program. Bids were received on May 14, 2004 with the Apparent low bidder being P.C. Mock Construction Co., Inc. in the amount of \$212,163.00. Administration request to appropriate \$229,136.00 for the construction of Trigg West Park.  
McCormick

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION including Lincoln School Park, CIP Project #PK230 as part of the Fiscal Year 2004 Capital Improvement Program. Bids were received on May 14, 2004 with the apparent low bidder being P.C. Mock Construction Co., Inc. in the amount of \$246,015.00. Administration requests to appropriate \$265,696.00 for the construction of Lincoln School Park.  
McCormick

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION including Dalstrom Park Development, located at Weaver Road & Shelby Drive, CIP Project Number PK083, as part of the Fiscal Year 2004 Capital Budget. A bid and contingency amount of \$2,863,731.00 makes this total appropriation from the City of Memphis Council a total of \$2,863,731.00.  
McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (none)

**DIVISION OF PUBLIC SERVICES** (none)

**DIVISION OF PUBLIC WORKS**

35. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$200,000.00 in Sewer Funds from Rehabilitation of Existing Sewers project number SW012 to Concrete Replacement project number SW029.

Holt

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCES - THIRD AND FINAL READING** (none)

**DIVISION OF PLANNING & DEVELOPMENT** (none)

**PUBLIC HEARINGS**

36. RESOLUTION approving a planned development located on the west side of Highland Street, between Waynoka Street and Highland Park Place, containing 15.0 acres.

Peete

Case No. PD 03-359

Applicant: Trezevant Episcopal Home, John Webb  
Ronald Harkavy – Representative

- Request: 1. Amend Trezevant Manor/Allen Morgan Health Center Amended P.D. (P.D. 93-312) to add a four story independent living facility and to add additional land for creation of one-story residential units
2. Amend Trezevant Episcopal Home P.D. (P.D. 97-372) to add one additional cottage to the area

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**115 NOTICES MAILED ON JUNE 4, 2004**

37. RESOLUTION approving a planned development located on the south side of New Dexter Road; +832 feet west of Beaver Trail Drive, containing 1.61 acres in the Multiple Dwelling Residential (R-ML) District.

Peete

Case No. PD 04-321cc

Applicant: Waymon Welch Jr.  
Jim Dickinson – Representative

- Request: Amend P.D. 92-313cc to add the following area:  
Area A(along Dexter Road – 0.70 acres) – Commercial uses  
Area B (along Old Dexter Road – 0.90 acres) – Residential uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**134 NOTICES MAILED ON JUNE 4, 2004**

38. RESOLUTION approving a planned development located on the southeast corner of Poplar Avenue and Holmes Street, containing 1.61 acres in the Local Commercial (C-L) & Single Family Residential (R-S6) Districts.

Peete

Case No. PD 04-323

Applicant: Sanderlin Place, G.P.  
Brenda Solomito, Askew, Hargraves Harcourt & Associates – Representative

Request: All uses allowable in the C-L District, with certain exclusions

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION TAKEN: Take whatever action Council deems advisable

**90 NOTICES MAILED ON JUNE 4, 2004**

39. RESOLUTION approving a planned development located on the south side of Park Avenue; +160 feet west of Fair Meadow Road, containing 1.38 acres in the Single Family Residential (R-S10) District.

Peete

Case No. PD 04-324

Applicant: Jameson/Gibson/Browne Development  
Robert Lee Browne – Representative

Request: A planned development to create six (6) single family detached lots  
(minimum lot size 6,780 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**31 NOTICES MAILED ON JUNE 4, 2004**

40. RESOLUTION approving a planned development located on the northwest corner of Airways Boulevard and Kilarney Avenue, containing 81 acres in the Single Family Residential (R-S8), Townhouse Residential (R-TH) and Local Commercial (C-L) Districts.(Held from 5/4;6/1)

Peete

Case No. PD 04-310

Applicant: William H. Thomas  
Richard Fields - Representative

Request: Warehouse Planned Development

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**256 NOTICES MAILED ON MAY 21, 2004**

41. RESOLUTION approving a street/alley closure beginning at the west line of National Avenue and extending 493.88+ feet to the East line of Henry Avenue, containing 25,103 Square Feet =.576 acre in the Multiple Dwelling Residential (R-ML) District.

Peete

Case No. SAC 03-619

Applicant: Harmony Woods Apts, LP  
Reaves Firm – Harvey C. Marcom – Representative

Request: Close & Vacate Unimproved Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**49 NOTICES MAILED ON JUNE 4, 2004**

42. RESOLUTION approving a street/alley closure beginning on the north side of Kilarney Avenue and extending +203 feet therefrom and beginning south on the side of Holmes Road and extending +669 feet therefrom, containing 81 acres.(Held from 5/18;6/1)

Peete

Case No. SAC 04-605

Applicant: William H. Thomas  
Richard Fields - Representative

Request: Partial Street Closure

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**256 NOTICES MAILED ON MAY 7, 2004**

43. RESOLUTION approving a special use permit located on the east side of Ridgeway Road; beginning 480.44 feet south of Winchester Road, containing 1.94 acres in the Planned Commercial (C-P) and Highway (C-H) Districts.(Held from 6/1)

Peete

Case No. SUP 04-204

Applicant: Three Kids, LLC – Adrian Bond

Request: Night Club

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**13 NOTICES MAILED ON MAY 21, 2004**

**GENERAL ITEM**

44. RESOLUTION approving a waiver of the special use permit for the Memphis Marriott East Hotel, located at 2625 Thousand Oaks Boulevard.

Peete

ACTION REQUESTED: Adopt the resolution

**ADJOURNMENT**